

## **Remarks**

Applicants respectfully request reconsideration of the present U.S. Patent application, as presently amended, in light of the remarks in this paper.

Claims 1-18 have been rejected. Claims 19-24 have been withdrawn previously. Claims 1-18 are presently amended. No claims are presently cancelled or added. Thus, claims 1-18 are pending.

## INFORMALITIES

Claims 14 and 15 contained a typographical error. The amendments to claims 14 and 15 correct the informality.

## 35 U.S.C. § 112 ¶ 2 REJECTIONS

Claims 1, 4, 7, and 10 stand rejected under 35 U.S.C. § 112 ¶ 1 as failing to comply with the written description requirement in light of their recitation “the second message”. Amendments to claims 1, 4, 7, and 10 remove the recitation “the second message.” However, Applicants respectfully point Examiner to Fig. 3. Fig. 3 illustrates “Broadcast Discovery Request Packet to All Network Devices” at 310 (see also specification as filed, paragraph 28). Fig. 3 further illustrates “Send Hashed Request Packets” at 340 (see also specification as filed, paragraph 32), a different transmission from the discovery request packet. Applicants therefore submit the specification as filed does comply with the written description requirement in view of the claims as amended. Thus, in view of the amendments, Applicants overcome the written description rejection to claims 1, 4, 7, and 10.

### CLAIM OBJECTIONS

Claims 1, 4, 5, 10, 13, 14, 15, 16, 17, and 18 stand objected to in light of insufficient antecedent basis for several recitations.

Independent claims 1, 4, 7, 10, 13, and 16 recited “the respective subsets;” Claim 10 recited “the first message;” claim 13 recited “the subset,” “the respective subsets,” and “the first message;” dependent claims 14 and 15 recited “the message;” claim 16 recited “the first message;” and dependent claims 17 and 18 recited “the message.”

Applicants submit the amendments to independent claims 1, 4, 7, 10, 13, and 16 appropriately provide antecedent basis for all recitations in the claims. Therefore, Applicants respectfully urge Examiner to remove the objections.

### REJECTIONS UNDER 35 U.S.C. §103(A)

Independent claims 1, 4, 7, 10, 13, and 16 stand rejected under 35 U.S.C. §103(a) as being obvious and thus unpatentable over Yuasa, et al. (U.S. Patent No. 6,085,238; “Yuasa”) in view of Wright, et al. (U.S. Patent No. 6,442,598; “Wright”).

Applicants respectfully submit that the rejections to the independent claims 1, 4, 7, 10, 13, and 16 are incomplete, and thus improper. Applicants’ assertion derives from 37 C.F.R. § 1.104(c)(2) which states

In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. *When a reference is complex* or shows or *describes inventions other than that claimed* by the applicant, the particular *part relied on must be designated as nearly as practicable*. *The pertinence* of each reference, if not apparent, *must be clearly explained* and each rejected claim specified. 37 C.F.R. § 1.104(c)(2) (emphasis added).

Given the complexity and plurality of teachings of Yuasa, the Office Action must designate as nearly as practicable the part(s) relied on and clearly explain the pertinence of each. The rejection to claim 1 states in relevant part concerning Yuasa

As to claim 1, Yuasa teaches the invention as claimed, including a method comprising:

dividing a set of target devices to which a message is targeted into subsets of target devices, wherein a subset to which a particular device belongs is determined based on an identifier of the device and the number of subsets of target devices (abstract, figure 1, col.8 lines [sic] 40-col. 10 lines [sic] 67, col. 17 lines [sic] 20-col. 18 lines[sic] 56, col. 45 lines [sic] 59-col.48 lines [sic] 10); and message is communicated to the respective subsets of target devices (col. 17 lines 49-54, col. 19 lines [sic] 7-col. 21 lines [sic] 51).

Office Action of 10/20/2005, p. 5-6.

Thus, Applicants submit, respectfully, the rejection for part of claim 1, consisting of four double spaced lines relies, on six hundred four lines, a table, and a figure spread across at least ten pages of the Yuasa patent fails to designate as nearly as practicable the teachings of Yuasa relied on. Alternatively, if the references to Yuasa designate as nearly as practicable the parts relied on, the pertinence of each must be clearly explained and they are not. The rejection of claims 4, 7, 10, 13, and 16 relies on similar grounds. Therefore, Applicants respectfully submit that the rejections to the independent claims 1, 4, 7, 10, 13, and 16 are incomplete under 37 C.F.R. § 1.104(c)(2), unnecessarily delaying prosecution of the present application and thereby prejudicing Applicants.

Notwithstanding the above, the independent claims 1, 4, 7, 10, 13, and 16, include limitations that are not taught or suggested by combination of Yuasa and Wright.

It is well established that obviousness requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Without conceding the appropriateness of the combination, Applicants respectfully submit that the

combination of Yuasa and Wright does not meet the requirements of an obvious rejection in that neither teaches nor suggests at least “limiting subsets of target devices responsive to the second request, in part based on the second request including the number of subsets to which the target devices are divided and a subset index value,” a recitation included in independent claim 1. Claims 4, 7, 10, 13, and 16 have similar recitations.

Yuasa merely discloses: “a virtual LAN system forms a virtual group which is based on elements having physical attribute or logical attribute and constituting a virtual LAN, sets a client address and priority of the virtual group in a virtual group registration table, and allocates unicast and broadcast traffic bands in group units.” (Yuasa, Abstract). Consequently, Yuasa does not teach or suggest automated management of network traffic wherein only desired clients respond based in part on a request including the number of subsets to which the target devices are divided and a subset index value. Therefore, as asserted above, Yuasa fails to disclose or even suggest limiting subsets of target devices responsive to a message, in part based on the message including the number of subsets to which the target devices are divided and a subset index value.

In addition, Wright merely teaches a webcast system that broadcasts content to a plurality of clients where each client collects only content a user desires. (Wright, Abstract). Thus, Wright similarly fails to teach or suggest the above recitation of claim 1.

Consequently, a combination of Yuasa and Wright cannot make Applicants’ claim 1 obvious.

Applicants would like to emphasize that the preceding paragraphs were not intended to attack Yuasa and Wright et al. separately. But instead, Applicants have

shown how each is devoid of claimed elements so that, by default, the combination is also devoid of at least some of the features of Applicants' claim. Applicants also would like to point out that silence is not a proper substitute for an adequate teaching or suggestion of facts from which a conclusion of obviousness may justifiably follow. Consequently, Applicants submit the rejection of claims 1, 4, 7, 10, 13, and 16 have been overcome with this amendment.

Claims 2, 3, 5, 6, 11, 12, 14, 15, 17, and 18 stand rejected under 35 U.S.C. §103(a) as being obvious and thus unpatentable over Yuasa, et al. (U.S. Patent No. 6,085,238; "Yuasa") in view of Wright, et al. (U.S. Patent No. 6,442,598; "Wright") in further view of Iwamura et al. (U.S. Patent No. 6,396,814; "Iwamura").

To the extent the rejection of claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, 17, and 18 rely on Yuasa and Wright, the rejections to the dependent claims are incomplete and thus improper for the reasons discussed above with regard to 37 C.F.R. § 1.104(c)(2). Further, references to the complex teachings of Iwamura suffer similar shortcomings as references to the complex teachings of Yuasa. Thus, with regard to the rejections of the dependent claims, prosecution of the present application has been unnecessarily delayed and Applicants thereby prejudiced.

However, since claims 2 and 3 depend from claim 1, claims 5 and 6 depend from claim 4, claims 11 and 12 depend from claim 10, claims 14 and 15 depend from claim 13, and claims 17 and 18 depend from claim 16, the Applicants respectfully assert the rejections of the dependent claims have been overcome for at least the reasons set forth for the independent claims.

Similarly to the independent claims, Iwamura does not teach or suggest limiting subsets of target devices responsive to a message, in part based on the second request including the number of subsets to which the target devices are divided and a subset index value. In contrast, Iwamura discloses grouping devices into clusters wherein each cluster has one representative device. According to Iwamura, communication between clusters passes through the representative devices while communication within a cluster is allowed directly between devices. Thus, Iwamura does not teach or suggest at least the recitation of claim 1 discussed above also lacking in Yuasa and Wright.

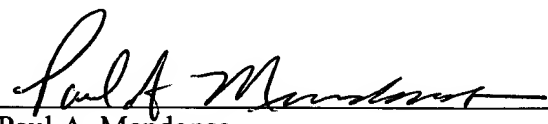
For at least the above reasons, Applicants submit claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, 17, and 18 are non-obvious and patentable over Yuasa in view of Yuasa in further view of Iwamura.

### **Conclusion**

Applicants believe other arguments may be made to distinguish the claims from the prior art references, but believe the rejections have sufficiently been overcome. Thus, for at least the foregoing reasons, Applicants submit that the rejections to Claims 1-18 have been overcome. Thus, claims 1-18 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP**

Date: MARCH 17, 2006

  
Paul A. Mendonsa  
Attorney for Applicant  
Reg. No. 42,879

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(503) 439-8778